

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

BRENT GILMORE, et al.,)
Plaintiffs,) 8:03CV305
vs.) ORDER
WOODMEN ACCIDENT AND LIFE)
COMPANY, et al.,)
Defendants.)

This matter is before the Court on the plaintiffs' response (Filing No. 160) to this Court's April 18, 2005 show cause order (Filing No. 154). On April 18, 2005, the Court granted the defendant's motion to compel discovery (Filing No. 148). Additionally, the Court required the plaintiffs to show cause why sanctions should not be imposed. The defendants do not seek sanctions related to this matter. Finally, the Court spoke to counsel for the parties regarding this matter during the pretrial conference. Sanctions shall be imposed where a motion to compel is granted, except in three limited circumstances. **See** Fed. R. Civ. P. 37(a)(4)(A). The Court finds that under the circumstances of this case an award of expenses would be unjust. Accordingly,

IT IS ORDERED:

The Court declines to award sanctions to the defendants in connection with the motion to compel (Filing No. 148).

DATED this 26th day of April, 2005.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge